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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-fourth session

SUMMARY RECORD OF THE 582nd MEETING

Held at the Vienna International Centre, Vienna,
on Wednesday, 29 March 1995, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

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General exchange of views (*continued*)

Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union (*continued*)

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The meeting was called to order at 10.20 a.m.

GENERAL EXCHANGE OF VIEWS (*continued*)

1. **Mr. CURIA** (Argentina) said that Argentina was no longer a sponsor of the working paper on principles regarding international cooperation in the exploration and utilization of outer space for peaceful purposes, and its name therefore did not appear on document A/AC.105/C.2/L.182/Rev.2. The Subcommittee could nevertheless be assured of Argentina's continued and constructive contribution to the discussion of that item both in the plenary and in the Working Group on the Benefits of Outer Space. The new working paper submitted by Germany and France (A/AC.105/C.2/L.197) was welcome.

2. Argentina attached great importance to the informal consultations on working methods, and hoped that the Subcommittee would make an exhaustive and imaginative analysis of its functions and working methods so as to optimize the results of its work. In that connection, it endorsed Australia's suggestion that more time be allocated to the consultations on working methods. A flexible working system would enable two extra half-days to be allocated to the discussions in addition to what was provided for in the schedule (A/AC.105/C.2/L.196).

3. The Symposium on Technical and Policy Issues Related to the Use of the Space Environment had been useful and had shed light on a number of aspects of the subject of space debris.

4. **Mr. BOJILOV** (Bulgaria) said that there was no need to allocate time to agenda item 3 on nuclear power sources at the present session, in the light of operative paragraph 5 of General Assembly resolution 49/34. The Scientific and Technical Subcommittee had agreed that a revision of the principles was not warranted at the present time, although it had recommended that the item should be retained on the agenda for the next session. The item could be retained on the agenda of the Legal Subcommittee as well.

5. With regard to agenda item 4 on the definition of outer space, the problem was to find ways of overcoming obstacles which had proved insurmountable for over a quarter of a century.

6. Regarding agenda item 5 on outer space benefits, the Bulgarian delegation looked forward to continuing the constructive debate which had taken place at the thirty-third session. The significant changes in the international political situation in recent years called for innovative approaches to global problems to ensure that all countries benefited from space technology and its applications.

7. With regard to the consultations called for by paragraph 8 of General Assembly resolution 49/34, the Bulgarian delegation believed that special attention should be paid to paragraph 3 in the list of proposals in the annex to the report of the Committee on the Peaceful Uses of Outer Space (A/49/20).

8. Several international legal instruments had been concluded as a result of the efforts of the Legal Subcommittee: one treaty and one agreement in the 1960s, two conventions and an agreement in the 1970s and two sets of principles in the 1980s. Recently, however, the pace of work had slowed down. The Legal Subcommittee's task was to develop international space law based on consensus. As space technologies continued to advance, the Subcommittee should intensify its efforts to promote international cooperation by developing legal principles and norms for the benefit and in the interests of all States.

9. **Mr. GONZALEZ** (Chile) expressed concern at the inactivity of the Subcommittee. It gave the impression that there were no topics of legal interest for consideration, whereas in fact the issues concerning the geostationary orbit and the benefits of space technology were of great technical and legal interest. There were other important items, too, which should be included on the agenda of future sessions.

10. Chile supported a flexible approach to the use of time. The question of working methods should be taken up by the Subcommittee so that time could be put to optimum use. However, that should not distract attention from the important substantive work of legal regulation.

11. With regard to agenda item 4 on the definition of outer space and the geostationary orbit, the contributions made at recent sessions by the Russian Federation and Colombia should serve as a basis for further discussion, since they contained new elements that might meet the aspirations of all parties. A resource such as the orbit, with its impact on telecommunications, could not be subject to technical regulation alone. The transmission of information was particularly relevant in education, which was crucial to economic and social development and to the improvement of living conditions.

12. The time allotted to the question of nuclear power sources would better be used for the consideration of a new legal topic.

13. With regard to agenda item 5 on outer space benefits, the revised version in document A/AC.105/C.2/L.182/Rev.2 of the working paper which had been used as a basis for discussion in previous years, and of which Chile was a sponsor, contained new ideas which should enable progress to be made.

14. The working paper submitted by Germany and France (A/AC.105/C.2/L.197) contained certain new elements such as the reference to international law and the Charter of the United Nations, giving international cooperation a more solid basis. It was a positive contribution and a step in the right direction.

15. There was general agreement that cooperation provided benefits for all and promoted stability. Cooperation in space activities could enhance security, and the use of satellites in the implementation of preventive diplomacy could contribute to the consolidation of peace.

16. **Mr. Ho-Jin LEE** (Republic of Korea) said that a new regime should be developed for aerospace objects taking account of the new international political environment and rapid advances in space technology. In that connection, the completion by member States of the questionnaire that had been drawn up would provide a good basis for further discussion.

17. The Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee could discuss various aspects of the question of equitable access to and use of the geostationary orbit, complementing but not duplicating the work of ITU.

18. The geostationary orbit was a limited natural resource, and his delegation supported the idea of establishing legal principles to ensure adequate and equitable access to it for all States.

19. As far as space benefits were concerned, his delegation was prepared to put forward ideas on new initiatives to expand international cooperation in space activities.

20. Discussions on the principles of international cooperation in the exploration and utilization of outer space for peaceful purposes should proceed without delay. Document A/AC.105/C.2/L.182/Rev.2, on which his delegation would comment in the Working Group on the Benefits of Outer Space, would be a good starting-point for progress on that matter.

21. On the use of nuclear power sources in outer space, his delegation agreed that any revision of the relevant principles should await the results of scientific and technical debate on the matter.

22. Lastly, it would be desirable to improve the Subcommittee's working methods by following the example of other United Nations bodies.

MATTERS RELATING TO THE DEFINITION AND DELIMITATION OF OUTER SPACE AND TO THE CHARACTER AND UTILIZATION OF THE GEOSTATIONARY ORBIT, INCLUDING CONSIDERATION OF WAYS AND MEANS TO ENSURE THE RATIONAL AND EQUITABLE USE OF THE GEOSTATIONARY ORBIT WITHOUT PREJUDICE TO THE ROLE OF THE INTERNATIONAL TELECOMMUNICATION UNION (*continued*) (A/AC.105/573 and A/AC.105/605; A/49/20)

23. **Ms. VENTURINI** (Italy) said that some delegations considered that a conventionally defined boundary between airspace and outer space was needed, while others maintained that such a delimitation could hamper further development of space technology and the rational use of outer space. After years of discussion a consensus had still not emerged, but the lack of a recognized definition or delimitation had not impeded the development of space activities and of space law. Her delegation therefore believed that it would be realistic to drop the attempt to establish a legal delimitation between airspace and outer space.

24. Her delegation's understanding was that the draft questionnaire concerning aerospace objects contained in the informal paper submitted by the Chairman of the Working Group on agenda item 4 did not presuppose the necessity of agreeing on criteria of delimitation. Moreover, her delegation recognized that the implementation of space treaties, and notably of the 1972 Convention on International Liability for Damage Caused by Space Objects (Liability Convention), must not be affected. On that basis it was prepared to take part in discussions concerning the legal aspects of aerospace missions, including functional coordination between air traffic control systems and aerospace craft operations. The views of the International Civil Aviation Organization (ICAO) on the matter would be particularly relevant and should be known before the Legal Subcommittee took further steps on the issue.

25. On the question of the geostationary orbit, she reiterated the view that ITU was dealing successfully with the problem of equitable access for all countries, taking particularly into account the needs of developing countries. The thirty-fourth report of ITU, introduced at the previous meeting, demonstrated the importance of its activity in that respect. Her delegation believed that the Legal Subcommittee should not take any step that might interfere in the competence of ITU.

26. The problem of satellites in the geostationary orbit that became dysfunctional might be relevant to the work of the Legal Subcommittee, but since it related to the broader space debris issue the Subcommittee should not deal with the matter until it was placed on its agenda. Her delegation noted that extensive scientific research was being carried out on the subject and welcomed the work plan of the Scientific and Technical Subcommittee for the next three years.

27. **Mr. LOUET** (France), referring to the question of the definition and delimitation of outer space, said that there had long been two conflicting approaches to the question of the legal framework for space activities.

28. His delegation did not endorse the direct approach of a division into airspace under State sovereignty and outer space governed by the principle of freedom of exploitation and use. That approach, though simple and attractive, had two drawbacks: the exact line of separation between air space and outer space would involve endless controversy; and such a division would be incompatible with the nature of space activities, which required pragmatism.

29. He therefore agreed with the United Kingdom representative that the indirect or functional approach was much to be preferred. That would enable space law to be established as a function of the activities it governed. His delegation had always maintained the view that space law should regulate space activities wherever they took place. Rather than applying in a particular zone, space law should govern certain specific activities.

30. In his delegation's view, great care should be exercised in dealing with the question of the character and utilization of the geostationary orbit, particularly in view of the words "without prejudice to the role of the International Telecommunication Union" in General Assembly resolution 49/34 (operative paragraph 4 (b)).

31. Account must be taken of the legal framework established by the 1967 Outer Space Treaty, article II of which precluded claims of national sovereignty in outer space. That provision was incompatible with any implicit or explicit claim of national sovereignty, which was why France and other countries had entered a reservation to the 1982 International Telecommunication Convention. France would not countenance any claim to the exercise of preferential rights over the geostationary orbit.

32. Because access to the geostationary orbit and the allotment of radio-frequencies were closely linked, ITU had been given responsibility for the overall management of space telecommunications. In his view, the ITU regulations already provided for satisfactory use of the geostationary orbit. Through the allotting to each member State of a predetermined orbit arc and a fraction of the frequency spectrum, the interests of the countries that already occupied the geostationary orbit and those that did not were adequately reconciled.

33. **Mr. PODCHERNYAEV** (Russian Federation) said that some members of the Subcommittee approached the creation of a legal regime for space objects as something that could not be dealt with productively, since it required a more speculative than realistic approach. His delegation felt that the Subcommittee's task was to create a common denominator out of a variety of interpretations. The draft questionnaire concerning aerospace objects, though some editorial improvements could be made to it, basically already had the necessary consistency, focus and clarity.

34. A number of countries were developing new types of transport based on aerospace devices capable of flying in both airspace and outer space. There were presently three technical designs for the construction of such systems. The first was the multiple-use rocket system with vertical launch capability and vertical or horizontal landing of the orbital stage. The second design was for a multiple-use aerospace system with capability for airborne launch of the orbital stage from external suspension on the launch vehicle. The third design was for multiple-use aerospace systems relying on genuinely multiple-use aerospace vehicles with horizontal launch and landing capabilities. Such systems generally had an engine unit which comprised both

the rocket and the aerojet propulsion devices that formed the thrust system for supersonic aircraft, and which drove the orbital stage into the atmosphere at supersonic speeds. The degree to which the various designs could be realized in practice varied widely. A multiple-use aerospace system with an aircraft-style mechanism for takeoff and landing would be unlikely to be built sooner than would a multiple-use rocket system, for which the technology was already available.

35. The fundamental differences between the aerospace and rocket systems explained the need to use fundamentally new technology in implementing the designs and to carry out extensive research in a number of fields (supersonic aerodynamics, construction of propulsion systems, materials testing, thermodynamics, etc.).

36. The features and characteristics of such systems did not limit their use exclusively to transport in the Earth-Orbit-Earth cycle: they were capable of performing a variety of functions both in space and from space to Earth. In the light of the likely growth in payload transport between Earth and space, the creation of such systems would appear to be a viable option.

37. The technical capabilities and possible applications of aerospace objects raised the question of whether additional procedures must be established for them. The norms to be applied must be chosen using a number of criteria, first among which was the application for which the device was to be used: delivery of payloads or passengers from one spot on Earth to another, or emplacement of objects in space. It would be logical to suppose that existing regimes for airspace and outer space would be supplemented by the necessary agreements, taking into account the specific features of the new means of transport.

38. Among the biggest issues involved was ensuring a State's sovereignty over its airspace, since aerospace objects could, in the course of their passage into space and return to Earth, remain in airspace for extended periods and cross the territory of other countries. It was also important to ensure the security of space transport and of the aerospace objects themselves, since they were more difficult to manoeuvre and guide in flight; finally, it was important to limit the military applications of aerospace objects, which would be able to perform a broad range of military tasks with a significantly new level of competence. Concerning the question of State sovereignty over airspace, he noted that Earth-Earth aerospace objects must be defined as air vehicles and their use must therefore be regulated by the 1944 Chicago Convention on Civil Aviation and by other instruments of international air law.

39. But the situation with Earth-orbit aerospace devices was by no means so straightforward. Such devices must be defined as space objects, and the regulations for their use must be governed by the 1967 Outer Space Treaty and by the other instruments of international space law. When such devices were in the airspace of foreign countries, two principles must be kept in mind: freedom of use of outer space and sovereignty of States over their airspace. Should the principle of freedom of use of outer space be construed as leading automatically to the principle of access to outer space? In other words, might States which utilized aerospace objects claim the right of unobstructed passage through the airspace of other States? The interests and security of such States, including ecological security, could be directly affected by such an interpretation.

40. Some held that it would be useful to develop legislation on the right to innocent passage of aerospace objects through airspace. The right to innocent passage would not affect the extension of State sovereignty to the airspace above the State's territory and would apply only for a strictly defined purpose - launching into orbit and return to the Earth. Innocent passage could be defined as flight that did not violate the peace, law and order and security of the underlying State.

41. The question then arose as to whether the right to innocent passage should become a customary norm of international law, or should be set out in bilateral or multilateral agreements. It was probably the practice of States that would determine the response to that question. His country's law on space activities included the following provisions: "Space objects shall be manoeuvred in the airspace of the Russian Federation with due regard for the requirements set out in legislation on the use of the airspace of the Russian Federation" and "A space object of a foreign State may carry out a single innocent passage through the airspace of the Russian Federation for the purpose of its launching into Earth orbit or outer space, or for the purpose of its return to Earth, provided that the corresponding services of the Russian Federation have been duly informed of the time, place, trajectory and other conditions of such passage".

42. The issue of delimitation of outer space remained unresolved, but international application of the right to innocent passage would be a step in the right direction. It was only necessary to decide on the altitude up to which the regime could apply. His delegation hoped to hear the views of others on that point.

43. **Mr. SUAREZ** (Mexico) considered that document A/AC.105/C.2/L.192 of 30 March 1993, submitted by Colombia (see document A/AC.105/573, annex IV, section A), was still relevant because it formulated ways of ensuring the rational and equitable use of the geostationary orbit without ignoring the role of ITU. His delegation believed that the problems of using the geostationary orbit could only be solved in a global perspective, taking account of the interests of States with advanced space capabilities as well as those of the developing countries.

44. His delegation endorsed the arguments that the geostationary orbit was a limited natural resource, with a risk of saturation by space objects and debris, and believed that there was a need for a legal regime to guarantee its rational and equitable use. It agreed that the geostationary orbit was not subject to national appropriation by claim of sovereignty.

45. In his delegation's view, the question of the geostationary orbit was closely linked with that of space debris, and he therefore proposed that a study of that matter from a legal standpoint should be embarked upon as soon as possible.

46. Document A/AC.105/C.2/L.189 on questions concerning the legal regime for aerospace objects, submitted by the Russian Federation, might provide the right approach for the Subcommittee's work. The Russian proposal had been at the origin of the idea of a draft questionnaire on aerospace objects, a valuable source of information which would make it possible to establish the necessary legal framework. In that connection he welcomed the work of the Working Group on agenda item 4.

47. Technological progress was bringing with it new issues that needed careful consideration by States. The question of reusable space objects and objects capable of orbiting the Earth and returning to Earth through air space involved the question of the duties and responsibilities of the State launching the object and the right of the countries over which the object passed, assuming that the airspace was considered to be part of its national territory. His delegation reiterated its support for an invitation to be issued to ICAO to consider those issues.

48. **Mr. HE Qizhi** (China) said that he had been surprised to hear it suggested at the present session that the issue of the geostationary orbit fell entirely within the competence of ITU and should disappear from the Subcommittee's agenda. He strongly disagreed. In General Assembly resolution 49/34 the Subcommittee had been mandated to continue consideration of the item.

49. It was generally recognized that the legal regime of the geostationary orbit differed from that of outer space, which was governed by the principle of free access laid down in the 1967 Outer Space Treaty. The geostationary orbit, however, was a limited natural resource and its legal regime should be governed by the principle of equitable and rational use.

50. While ITU dealt mainly with technical arrangements for the orbit, such as spectrum allocation and satellite positioning, the orbit's use had political and legal implications in addition. The technical arrangements therefore needed to be supplemented by general principles constituting a comprehensive legal regime for the orbit. An important non-technical issue which it would not be proper for ITU to deal with was the removal of space debris and spent satellites from outer space. That was obviously a matter for international space law and within the mandate of the Committee and the Subcommittee. A provision on the paramount necessity for removing that material from the geostationary orbit should be included in the legal regime to be formulated by the Subcommittee. Such a provision might usefully be added to the Colombian working paper on the item (A/AC.105/C.2/L.192).

51. Further consideration of the question of the geostationary orbit should take place in the Working Group. His delegation repeated its view that the roles of the Committee and ITU in regard to that matter were complementary, not contradictory, and that the Committee should seek any necessary advice from ITU on the subject.

52. **Mr. BARSEGOV** (Russian Federation) said that the clash of diametrically opposed viewpoints had been a feature of the discussion on use of the geostationary orbit for many years now - so much so that conflicting views seemed to be becoming the norm. Yet the lack of agreement and the fact that the discussion seemed to be going in circles constituted a blow to the Subcommittee's prestige. Would such a spirit of alienation and hostility ultimately prevail, or would the Subcommittee modify its approach? The purpose of its work, after all, was to make real progress in the quest for a balanced and rational solution. If it took a pragmatic approach, the Subcommittee could get down to considering the whole range of ideas set out in the working paper submitted by Colombia. He called on delegations to provide well-thought-out and constructive comments on that paper.

53. Turning to the geostationary orbit, he said that the work of ITU covered many aspects of the matter and was of great use to many countries. At its Plenipotentiary Conference in Kyoto, Japan, ITU had concentrated its work on improving access to the orbit. A study had been scheduled and was already under way; there was every reason to believe it would help to resolve a number of matters relating to technically appropriate use of the geostationary orbit.

54. Within the Subcommittee, the discussion of the geostationary orbit took on more complex dimensions than was the case in ITU. fortunately, a number of positions held earlier by developing countries had now been r[illegible]sed, giving a new basis for analysis and generating a number of theories more promising than the "equatorial" doctrine. The proposals were increasingly realistic, the relevant working paper was clearly phrased and its objectives were carefully outlined. If one looked at the paper closely, however, one could see certain structural faults.

55. While subparagraph 9 (a) appeared to create two sets of opposing categories - developed and developing countries, and countries that already had access and those that did not have access to the geostationary orbit - in reality the sole opposition was between developed and developing countries. Preference was thus being given in all cases to States in a single group. That situation was reinforced in

subparagraph (c), which indicated that any developing country could reserve a position or positions, on the grounds that "legitimate efforts" were being made to use them. The definition of such "legitimate efforts" needed to be fleshed out.

56. In one sense, subparagraph (b) contradicted the principles set out in subparagraph (a) for resolving a situation when there were equal claims from countries that had access and countries that did not have access. Subparagraph (d) offered additional elements for interpreting the principle of equity, but also raised the question of practical mechanisms for putting that principle into effect.

57. Whatever their final form, the provisions on the geostationary orbit had to be up to date, comprehensive and based on real experience with mutually advantageous cooperation. A viable document could be forged only with the agreement of all groups of countries.

58. **Mr. REY CORDOBA** (Colombia) said that the representative of China had made abundantly clear the fact that the Subcommittee had a duty to deal with the question of the geostationary orbit. That the matter was not the sole prerogative of ITU was amply demonstrated by General Assembly resolution 49/34 in paragraphs 4 (b), 6 and 13 (b) (ii). Thus it was not for the Subcommittee to decide whether it should continue its consideration of the matter; the Subcommittee had a duty to pursue the question unless and until the General Assembly decided otherwise. He therefore disagreed with the suggestions he had heard at the present session that the problems of the geostationary orbit should be left entirely to ITU.

59. He expressed satisfaction at the general tone of the discussion which had taken place on the item and the prospects which the statements made by Argentina, Chile, France, Indonesia, Mexico and the Russian Federation offered for constructive dialogue on the subject. His delegation's working paper (A/AC.105/C.2/L.192) implied that access to the geostationary orbit was inequitable. It was for the Working Group to test the truth of that proposition, with suitable assistance from ITU in the light of the provisions of its Constitution, including the provision in article 44 concerning the special needs of the developing countries and the geographical situation of particular countries.

The meeting rose at 12.05 p.m.

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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-fourth session

SUMMARY RECORD OF THE 583rd MEETING

Held at the Vienna International Centre, Vienna,
on Thursday, 30 March 1995, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

CONTENTS

Participation by non-member States

General exchange of views (*continued*)

Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union (*continued*)

Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries

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The meeting was called to order at 10.20 a.m.

PARTICIPATION BY NON-MEMBER STATES

1. **The CHAIRMAN** said that Panama had applied to participate in the work of the Subcommittee as an observer. As it was the prerogative of the Committee on the Peaceful Uses of Outer Space to grant observer status, he suggested that the Subcommittee should not adopt a formal decision on the matter but that, if there was no objection, the representative of Panama should attend the Subcommittee's formal meetings and, if it wished to make a statement, seek permission from the Chair.

2. *It was so decided.*

GENERAL EXCHANGE OF VIEWS (*continued*)

3. **Mr. VELAZCO SAN JOSÉ** (Cuba) said that recent research had demonstrated the need for urgent action to slow down the alarming impoverishment of the Earth. There was an increasing awareness that space technology could help to solve many of the problems and bring benefits to many countries, in particular the developing countries. It was therefore a cause for concern that the continuing arms race was using up valuable resources that could be put to better use.

4. With respect to the possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, he said that, if a consensus was reached, such a revision should be directed towards better prevention and the elimination of possible catastrophes, with clear safety criteria in the event of uncontrolled re-entry of on-board nuclear power sources.

5. With respect to agenda item 4, on the definition and delimitation of outer space and on the geostationary orbit, his delegation reiterated the need for a definition and delimitation of outer space in conformity with the Outer Space Treaty, while recognizing the role of ITU. In the absence of a limit between airspace and outer space it was difficult to establish the scope of agreements on outer space. Fixing an upper limit for airspace would strengthen the sovereignty of States and limit the possibility of controversy.

6. With respect to agenda item 5, on outer space benefits, Cuba considered that discussions should be carried out within a legal framework that guaranteed access by all countries in particular the developing countries, to all the benefits of the exploration and use of outer space. The right of States with limited space capabilities to take a full part in the exploration and utilization of outer space when they had the necessary resources to do so, should also be protected. That objective could be achieved if the principle of international cooperation between States was applied.

7. **Mr. KOPEL** (Czech Republic), referring to the question of early review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, said that further work in the Legal Subcommittee was to await progress on the matter in the Scientific and Technical Subcommittee. However, his delegation believed that the item should be retained on the agenda of the Legal Subcommittee and the relevant working group reconvened as and when necessary.

8. While welcoming the fact that the 1992 Principles Relevant to Nuclear Power Sources in Outer Space had been applied by the States concerned, although not included in a legally binding instrument, his delegation saw merit in the view recorded in paragraph 7 of annex I to the Subcommittee's last report

(A/AC.105/573) that it might be useful to provide a legal framework similar to that existing in other branches of law for the use of nuclear power sources in outer space.

9. On agenda item 4, concerning the delimitation of outer space and the geostationary orbit, since the discussions on the definition and delimitation of outer space had been at a standstill for some time his delegation did not think it useful to reiterate its position, although it still believed the problem to be important. It did, however, welcome the draft questionnaire concerning aerospace objects (see document A/AC.105/C.2/1995/CRP.3/Rev.2) and the fact that the draft questionnaire had been brought to the attention of ICAO. In his delegation's view, the Working Group should concentrate on the legal aspects of the problem and request assistance on technical aspects from the Scientific and Technical Subcommittee. Parallel consideration of the matter in both Subcommittees might be helpful.

10. On the second part of agenda item 4, relating to the geostationary orbit, two essential considerations should be borne in mind, namely the need to allow equitable access to the geostationary orbit and allocation of radio-frequency spectrum resources and the need to ensure efficiency of spectrum use. In order to put those considerations into effect, ITU, as had been explained by its representative, had developed arrangements under which a certain amount of frequency spectrum was set aside for future use by all countries, particularly those not yet in a position to make use of such resources. Improvements were expected to be made by World Radiocommunication Conferences to be held in 1995 and 1997. Since the aims of the working paper submitted by Colombia (see document A/AC.105/573, annex IV, section A) seemed to be similar to those already met by the ITU mechanisms, he would appreciate an explanation by the sponsoring delegation as to the differences.

11. With respect to agenda item 5, on outer space benefits, he welcomed the constructive efforts of the sponsors of document A/AC.105/C.2/L.182/Rev.2, which he hoped would help reconcile the interests of the developing countries and those of the States involved in advanced space technology. The working paper submitted by France and the Federal Republic of Germany (A/AC.105/C.2/L.197) might also be useful.

12. Under General Assembly resolution 49/34, extensive, open-ended informal consultations were to be conducted on the working methods and agenda of the Subcommittee, including the consideration of possible additional items for inclusion on the agenda. His delegation considered that the second element of those terms of reference deserved particular attention and was prepared to take part in such informal consultations.

13. **Mr. MAZILU** (Romania) said that his delegation considered that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space should be strengthened through efforts by the Scientific and Technical Subcommittee to create a better framework for the use of nuclear power sources and by the Legal Subcommittee to develop appropriate legal provisions.

14. In his delegation's view, States with relevant space capabilities had a duty to foster international cooperation in outer space science and technology and their applications. Governments engaged in space activities should also be called upon to share with other States, in particular with developing countries, the scientific and technological knowledge required for developing a programme oriented to a more rational exploration and utilization of outer space with a view to preserving the outer space environment for future generations.

15. The role of the activities of the United Nations in strengthening and extending international cooperation in exploring and utilizing outer space should be recognized.

16. He reaffirmed his delegation's view that the geostationary orbit was a limited natural resource and that access to it should be free to all countries, including those which did not yet have the capacity to launch satellites. The interests of such countries should be safeguarded by ensuring that legal principles took into account their possible future technological development.

17. His country believed that free access to space-related information, the transfer of technology and the dissemination of advantages resulting from space could effectively help the less developed countries and contribute to overcoming existing differences in the world. International legal standards should be formulated in that area, supporting United Nations regional mechanisms.

18. Consensus was the basis on which the Committee and its Subcommittees could work in a democratic way to guarantee the peaceful use of outer space.

19. His delegation was prepared to make an active contribution to formulating rules and regulations regarding space and orbital debris.

20. **Mr. VESHCHUNOV** (International Organization of Space Communications (INTERSPUTNIK)) said that INTERSPUTNIK was an independent international intergovernmental organization established in 1971 which operated global satellite communications on a commercial basis. Despite many political and constitutional changes in its member States, INTERSPUTNIK had preserved and strengthened its position.

21. The organization had full international legal personality and the right to conclude agreements with other subjects of international law. It had concluded a protocol on the use of Russian communication satellites and cooperation agreements with ITU and other organizations.

22. Following the pattern set by the International Telecommunications Satellite Organization (INTELSAT) and the International Maritime Satellite Organization (INMARSAT), INTERSPUTNIK had recently decided to amend various articles of the 1971 Basic Agreement to reflect the provisions of the Operating Agreement that was shortly to come into force. Each contracting party would sign the Operating Agreement or designate a telecommunication entity to do so.

23. The revised Basic Agreement would establish a four-organ structure consisting of the Board, the Operations Committee, the Directorate and the Auditing Commission. The Board, composed of one representative of each member of the organization, with one vote regardless of that member's share in the organization's capital, would be the main governing body, deciding on matters of crucial importance to the organization's overall work, while the Operations Committee would be the decision-making body for its day-to-day activities. It would consist of 17 members of the organization, or member groups, 13 being those having the largest capital shares and 4 being elected by the Board irrespective of their shares. Voting in the Committee would be weighted according to capital share. The Committee would seek to take its decisions by consensus. The Directorate was the standing executive and administrative body, headed by the Director-General. He and his deputy would be elected by the Operations Committee and their appointments would be approved by the Board. The Directorate would be responsible for implementing decisions taken by the Board and the Committee. The organization's financial activities would be supervised by the three-member Auditing Commission and by a recognized external auditor.

24. The 22 members of INTERSPUTNIK as of March 1995 were: Afghanistan, Belarus, Bulgaria, Cuba, Czech Republic, Democratic People's Republic of Korea, Georgia, Germany, Hungary, Kazakhstan,

Kyrgyzstan, Lao People's Democratic Republic, Mongolia, Nicaragua, Poland, Romania, Russian Federation, Syrian Arab Republic, Tajikistan, Turkmenistan, Viet Nam and Yemen. Armenia, Canada, India, Israel and Uzbekistan were considering membership. The Russian Federation had assumed all the rights and liabilities of the former Soviet Union in regard to membership of the organization and depositary functions.

25. The main task of INTERSPUTNIK was to assist the former Soviet republics in establishing direct international links with foreign partners. Its areas of assistance included space segment capacity, the coordination of Earth station construction and the establishment of connections. As of March 1995 the INTERSPUTNIK system was used by more than 100 countries or companies, including administrations and companies in Canada, China, France, India, Madagascar, Portugal, the United Kingdom, the United States of America and other countries. The Organization had always provided its services to users without discrimination or restriction and would continue to do so. Its tariff policy was in keeping with the level of world prices. To perform its tasks, INTERSPUTNIK made use of the statutory capital contributed by its members. Its basic revenue consisted of payments for the use of space segment capacity. The profit remaining after the defrayal of maintenance expenditure and special fund replenishment was distributed to members, there being a guaranteed profit share equal to 14 per cent of the amount of capital for the year in question. In conclusion, he said that the revised Basic Agreement and the new Operating Agreement would provide a suitable legal basis for INTERSPUTNIK to engage in market-oriented activities in a new global environment.

MATTERS RELATING TO THE DEFINITION AND DELIMITATION OF OUTER SPACE AND TO THE CHARACTER AND UTILIZATION OF THE GEOSTATIONARY ORBIT, INCLUDING CONSIDERATION OF WAYS AND MEANS TO ENSURE THE RATIONAL AND EQUITABLE USE OF THE GEOSTATIONARY ORBIT WITHOUT PREJUDICE TO THE ROLE OF THE INTERNATIONAL TELECOMMUNICATION UNION (*continued*) (A/AC.105/573 and A/AC.105/605; A/49/20; A/AC.105/C.2/1995/CRP.3/Rev.2)

26. **Mr. ARIZAGA** (Ecuador) said that delegations should endeavour to put forward constructive and innovative proposals on the question of the geostationary orbit with a view to reconciling the widely divergent views which had prevailed so far. Cooperation had replaced competition in space science and technology and its benefits should be extended to the legal sphere as well. His delegation did not agree with the view that the Subcommittee should no longer deal with matters concerning the geostationary orbit. It had before it not only a mandate from the General Assembly to proceed with the item, but also two pertinent documents to which participants had contributions to make. The Russian and Colombian working papers on aerospace objects and the geostationary satellite orbit respectively (A/AC.105/C.2/L.189 and A/AC.105/C.2/L.192) had enriched the debate on the issue. Far from countries' positions on the subject having remained totally unchanged in recent years, there were countries which had shifted their stance in the light of new circumstances, with the aim of achieving general agreement.

27. He associated himself with those delegations from both developed and developing countries which had expressed concern about the growing amount of debris in space, and especially in the geostationary orbit. The orbit was a limited natural resource threatened by saturation with space objects and debris, with consequent hazards for space navigation, telecommunications and countries themselves. His delegation endorsed the idea that the Subcommittee should consider space debris from the legal aspect, especially with reference to the transfer of satellites from the geostationary orbit to a parking orbit shortly before the end of their working life.

28. Since the geostationary orbit had political and legal implications which lay outside the competence of ITU it should be examined by the Committee and its subsidiary organs, especially the Legal Subcommittee. In view of the importance of the orbit for telecommunications, it should not be regulated solely by technical arrangements. There should be a *sui generis* legal regime for access to and use of the geostationary orbit that took account of its particular technical characteristics and the special relationship between it and the equatorial countries. All countries should have equitable access to the geostationary orbit, but bearing in mind the interests of the developing countries, including the equatorial nations, there should be preferential access to the orbit for those countries and an end to their present inequitable treatment. The orbit should be utilized solely for peaceful purposes and for the benefit of mankind as a whole; in that connection provision should be made for the future needs of the developing countries, including those over which the orbit passed. The Colombian working paper offered a good basis for the Subcommittee's consideration of the item.

29. The delimitation of airspace and outer space was not an academic question but one of real significance. It was important to know clearly what regime applied to each. In conclusion, he hoped that the Subcommittee would approve the revised draft questionnaire on space objects (A/AC.105/C.2/1995/CRP.3/Rev.2) and that the questionnaire would be transmitted to Member States and competent international organizations with a view to obtaining additional information on the subject.

30. **Mr. SCHROGL** (Germany) said that his delegation could only repeat its view that the delimitation of outer space was a theoretical question and did not call for regulation by the Subcommittee at present.

31. As far as the utilization of the geostationary orbit was concerned, the possibility for every State to have access to it was of the greatest interest for all developing and industrialized countries. What, it had to be asked, could the Legal Subcommittee do in that respect in addition to the steps which ITU had taken already? ITU had tackled the problem of equitable access to the geostationary orbit by incorporating the notion that the orbit was a limited natural resource into its Constitution and by providing in the Radio Regulations that all States had access to at least one orbital position for the direct broadcasting satellite service and the fixed satellite service. In the view of his delegation, that meant that equitable access to the orbit already existed.

32. It had been suggested that the Subcommittee should ask the representative of ITU to report on any shortcomings in the regulations guaranteeing equitable access. He himself knew of no case in recent years in which access to the geostationary orbit had been denied. Should any countries be affected in that way, it was for them to bring the matter before the Subcommittee, which could then decide whether it needed to do further work on the subject. Under the ITU arrangements access to the orbit was available to all countries, whether developing or industrialized, and that made it unnecessary to think in terms of preferential rights for a particular group of States. The Subcommittee might be surprised to know that Germany had been a latecomer to the geostationary orbit: it had not launched its first telecommunications satellite until more than 10 years after that of Indonesia. He regarded that as an example of the effectiveness of ITU's regulations.

33. **Mr. TELLES RIBEIRO** (Brazil) said that, with regard to the definition and delimitation of outer space, the questionnaire on space objects should be transmitted to all member States and relevant international organizations, in the hope that the replies to the questionnaire would enable the Subcommittee to make significant progress on the issue at its thirty-fifth session.

34. He believed that the discussion at the present session had done much to clarify the position of delegations on the question of the geostationary orbit. The Subcommittee should continue to address the issue on the basis of the Colombian working paper (A/AC.105/C.2/L.192) with a view to exploring whatever

common ground might exist on that complex subject. It should investigate the possibility of considering the question of space debris in that connection.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES (A/AC.105/573; A/AC.105/C.2/L.182/Rev.2, A/AC.105/C.2/L.197; A/49/20)

35. **The CHAIRMAN** drew attention to the report of the Subcommittee on its thirty-third session (A/AC.105/573). The report of the Chairman of the Working Group on the agenda item formed annex III to that report. The working paper on the subject submitted by a number of delegations at the thirty-second session was contained in section B of annex IV to the Subcommittee's report. A revised version of the paper was before the Subcommittee as document A/AC.105/C.2/L.182/Rev.2, together with a new working paper submitted by France and Germany (A/AC.105/C.2/L.197).

36. The work of the Legal Subcommittee on outer space benefits had been reviewed by the Committee on the Peaceful Uses of Outer Space at its last session (see document A/49/20, paras. 123-133 and 166(c)).

37. The General Assembly, in resolution 49/34, had recommended that at its present session the Subcommittee, taking into account the concerns of all countries, particularly those of developing countries, should continue its consideration of the item through the relevant working group.

The meeting rose at 11.30 a.m.

CONTENTS (*continued*)

Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries (*continued*)

Organization of work

The meeting was called to order at 10.20 a.m.

PARTICIPATION BY THE LEAGUE OF ARAB STATES

1. **The CHAIRMAN** said that the League of Arab States had applied to participate in the work of the Subcommittee as an observer. As it was the prerogative of the Committee on the Peaceful Uses of Outer Space to grant observer status, he suggested that the Subcommittee should not adopt a formal decision on the matter but that, if there was no objection, the representative of the League should attend the Subcommittee's formal meetings and, if he wished to make a statement, seek permission from the Chair.

2. *It was so decided.*

GENERAL EXCHANGE OF VIEWS (*continued*)

3. **Mr. FASAN** (International Astronautical Federation) said that his organization was a non-governmental association consisting of 123 societies, institutions and industrial companies concerned with space activities, in 39 countries. Its aims were to foster the development of astronautics for peaceful purposes, promote the dissemination of technical information, stimulate public interest in space flight and encourage astronautical research. The theme of its next Congress, to be held in October 1995, would be "Benefits for humanity of space". In cooperation with the United Nations there would be a concurrent workshop focusing on "tele-health" and environmental monitoring as two examples of space benefits for developing countries.

4. The International Astronautical Federation cooperated closely with the Committee and its subsidiary bodies. Of particular interest to the Subcommittee would be the section in the publication *Highlights in Space* on progress in international cooperation and space law. In order to promote the study and development of space law the Federation, in 1960, had created the International Institute of Space Law (IISL), which had 400 individual members from 42 countries, and it too maintained close links with the Subcommittee. The work of the latter, its parent Committee and the Scientific and Technical Subcommittee had made possible the integration of space science and technology into the legal aspects of humanity's space activities. The work of those bodies in building on the 1967 Outer Space Treaty and in elaborating other legal instruments and principles had made space law an important branch of general international law.

5. The subject of the symposium organized by the Federation on the occasion of the Subcommittee's present session, in cooperation with the Institute of Air and Space Law, had been "Technical and policy issues related to the use of the space environment". He hoped that it had been of interest to delegations. The Colloquium on the Law of Outer Space to be held by IISL in conjunction with the Federation's Congress in October 1995 would deal with a number of legal matters related to the peaceful uses of outer space. His organization remained ready to assist the Subcommittee in the development of international space law.

MATTERS RELATING TO THE DEFINITION AND DELIMITATION OF OUTER SPACE AND TO THE CHARACTER AND UTILIZATION OF THE GEOSTATIONARY ORBIT, INCLUDING CONSIDERATION OF WAYS AND MEANS TO ENSURE THE RATIONAL AND EQUITABLE USE OF THE GEOSTATIONARY ORBIT WITHOUT PREJUDICE TO THE ROLE OF THE INTERNATIONAL TELECOMMUNICATION UNION (*continued*) (A/AC.105/573 and A/AC.105/605; A/49/20; A/AC.105/C.2/1995/CRP.3/Rev.2)

6. **Mr. CURIA** (Argentina) said that in the previous three years the Subcommittee had made reasonable progress in dealing with the question of the definition and delimitation of outer space, bearing in mind the Russian working paper concerning the legal regime for aerospace objects tabled at the thirty-first session (A/AC.105/C.2/L.189) and the subsequent start made on drafting the questionnaire on aerospace objects at present before the Subcommittee as document A/AC.105/C.2/1995/CRP.3/Rev.2. The many aspects which the subject involved were of potential interest for all States, but further progress would be difficult without the cooperation of the space Powers. He hoped they were prepared to contribute to the Subcommittee's work; the discussions held that week in the working group dealing with the item had indicated that might be the case.

7. With regard to the use of the geostationary orbit, the Subcommittee's report on its previous session showed that a fruitful basis for progress existed in the Colombian working paper (A/AC.105/C.2/L.192). As a part of outer space the orbit was governed by the principles laid down in the 1967 Outer Space Treaty. Since it was a limited natural resource its use should be developed rationally, equitably and economically. The Subcommittee should work towards formulating a special legal regime for the orbit which embodied those ideas, and one which would complement, but not replace, the provisions adopted by ITU on the subject. The Subcommittee should also begin to tackle the question of space debris, either as part of its consideration of the geostationary orbit or as a separate topic. The discussions which had taken place in the Working Group pointed once again towards progress. He understood that the Colombian working paper was being revised and he looked forward to seeing the revised version.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES (A/AC.105/573; A/AC.105/C.2/L.182/Rev.2, A/AC.105/C.2/L.197; A/49/20)

8. **Mr. EL GHERNOUGUI** (Morocco) said that the international community had entered a new era which offered prospects for enhanced cooperation in the use of outer space for the benefit of all countries, with the help of scientific and technical progress and in a spirit of openness. It was time to think seriously of elaborating new rules and principles and establishing structures to govern the development of space science. It should be possible to create a balance in the application of international law to outer space and to adopt new ways and means of achieving desired aims.

9. Cooperation was necessary in the search for new forms of action which took account of the interests of all countries. It would be wrong to venture into outer space without considering first how to compensate those countries which lacked the necessary technology to benefit from space activities, in particular economically. It was only reasonable to repeat the request to the developed countries to contribute to a fund for implementing projects in developing countries which would allow the latter at least to improve their

networks for remote sensing from space, thus demonstrating that outer space was truly being utilized in the interests of all.

10. To that end, scientific and technical progress in economic, social and cultural fields should go hand in hand with the expansion of international cooperation. In the light of recent events, a new legal framework should be created on a genuinely cooperative basis. Every effort should be made to reconcile divergent national views and enable developing countries to participate in space projects and space technology. The discussions which had taken place on the legal aspects of the matter indicated to his delegation that a consensus embodying an equitable agreement was close.

11. **Mr. TELLES RIBEIRO** (Brazil) recalled that his delegation and others had submitted a working paper in 1991 (A/AC.105/C.2/L.182) that had been revised in 1993 as a consequence of the Subcommittee's debate. The sponsors were now introducing a second revised text (A/AC.105/C.2/L.182/Rev.2), taking account of the discussions during the past two sessions. The main objective pursued by the sponsors was to draft a text acceptable to all delegations, but that was a hard task. Some very basic differences still seemed to separate those who supported the text from those who opposed it.

12. The first revised version of the working paper had already represented an effort towards conciliation, and the new revision went a step further in that direction. He thanked delegations which, although opposing some of the principles defended in the paper, had taken an active part in the debate, thereby providing the sponsors with a clear idea of the major stumbling blocks. The sponsors had attempted to respond to that constructive attitude by addressing the concerns expressed by various delegations, without sacrificing the spirit of the working paper. They regretted that Argentina had withdrawn its sponsorship, but were sure that they could continue to count on the constructive participation of that delegation in the debate.

13. The working paper was directly inspired by article 1 of the 1967 Outer Space Treaty. The reference in that article to the exploration and utilization of outer space for the benefit and in the interests of all States, "irrespective of their degree of economic or scientific development", was clearly meant to address the vast majority of countries which in no way benefited from outer space activities. The sponsors were simply trying to develop a framework in which the sound principles set out in the Treaty could truly prosper: otherwise, it would remain simply another text with very little practical consequence.

14. The draft set of principles contained in the working paper sought to promote cooperation, not to hinder it. The Subcommittee, as the only United Nations body responsible for the elaboration of outer space law, should help to increase the international scope of voluntary cooperation, showing that diversity could be a source of mutual enlightenment and applying the concept of sustainable development to cooperation in outer space.

15. The latest revision of the draft set of principles made it clear that States were sovereign to decide on cooperation projects. No matter how limited such cooperation, it would have immense symbolic value to the majority of countries that still had a great deal to gain from space science and technology. That, in turn, would stimulate the development of indigenous capabilities in those countries.

16. The purpose of the text was not to dictate mandatory norms of cooperation which, besides being unrealistic, could actually destroy the necessary harmony that must prevail. What was sought, on the contrary, was flexibility, to open up channels that could reduce dependency and expand knowledge. The need of developing countries for knowledge was no greater than that of space Powers - it was, however, more basic.

17. His delegation welcomed the contribution represented by document A/AC.105/C.2/L.197, submitted by two delegations which in the past had appeared somewhat reluctant to pursue the item. Its submission attested to the importance of strengthening the legal framework for space cooperation within the mandate given to the Legal Subcommittee by the General Assembly.

18. **Mr. HECKER** (Germany), introducing the working paper on space benefits submitted by Germany and France (A/AC.105/C.2/L.197), said that it rested on two basic considerations: first, that States were free to determine all aspects of their cooperation, and second, that States would choose the most efficient and appropriate mode of cooperation so as to allocate resources efficiently. The aim of the sponsors was to sum up in the working paper the path that had been successfully followed in establishing space cooperation between French and German governmental agencies and private entities and other countries, including developing countries. The paper described the framework of tested and successful space cooperation.

19. The working paper's title, "Declaration on international cooperation in the exploration and use of outer space for the benefit and in the interests of all States, taking into particular account the needs of developing countries", reflected the mandate given to the Legal Subcommittee by the General Assembly. In returning to that wording, common ground could, it was felt, be reached more easily.

20. Turning to section I, "General elements of international cooperation", he said the sponsors believed that the discussion of such cooperation must remain in conformity with the legal framework for space activities already elaborated by the Committee on the Peaceful Uses of Outer Space. The relevant legal instruments must therefore be referred to. Paragraphs 2 and 3 set out the basic principles whose application by Germany and France, with their numerous partners from developing countries, had resulted in extensive benefits for all sides. The free determination of all aspects of cooperation and the need for efficient allocation of resources had to be regarded as the basic elements of international cooperation.

21. Section II, "Modes of cooperation", elaborated those basic principles and set up two dichotomies to categorize the different modes of cooperation: governmental and non-governmental, and commercial and non-commercial. Those modes could be implemented at global, regional or bilateral levels. Decisions of States on the most effective and appropriate mode of cooperation could be made only on an ad hoc basis, after careful consideration of the most efficient way of allocating available resources. Since space cooperation must be mutually beneficial, sharing experiences and learning together would replace the idea of forced cooperation and the automatic one-way transfer of resources. Paragraph 3 of section II reflected the report of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (see document (A/CONF.101/10, para. 367).

22. Turning to section III, which dealt with areas of cooperation, he said that the first paragraph listed all the fields that should be considered. It was proposed that institutions and development agencies should be urged to utilize the potential of space applications to achieve development goals. Finally, the Committee on the Peaceful Uses of Outer Space should consider introducing an enhanced exchange of information as well as a more focused discussion of items, *inter alia*, through multi-year working plans like that of the Scientific and Technical Subcommittee on space debris.

23. The concept introduced in the working paper had already been tested successfully in many fields of space activities and with many international partners. The sponsors would be gratified if it fostered progress in the debate on the agenda item.

24. **Mr. LOUET** (France) said that for many years France had engaged in intensive and diversified cooperation with many developing countries. Such cooperation had taken a wide variety of forms to ensure that it was adapted to the specific needs of recipients as well as of donors. His Government had reservations about any attempt to codify what had already been practised with flexibility for many years. It feared that, far from imparting a new impetus to cooperation, the elaboration of a rigid framework would only tend to slow it down or even paralyse it. Despite those hesitations, his Government was sensitive to the fact that many delegations wanted a comprehensive document to be drafted on the subject. That was why France had decided to submit a text jointly with the German delegation (A/AC.105/C.2/L.197).

25. In the draft declaration submitted, the context of the cooperation engaged in by the two countries was clearly outlined. The two delegations hoped to give the debate on the subject a new direction, more promising than that offered by the working paper submitted by Brazil and a number of other sponsors at the thirty-second session (A/AC.105/C.2/L.182/Rev.1). Unfortunately, the revised version (A/AC.105/C.2/L.182/Rev.2) did not seem, despite the changes made, to meet the concerns already expressed by his delegation. The form, moreover, remained unchanged, being based on principles whose adoption would only freeze cooperation rather than promoting its further development.

26. He saw neither a need for nor an advantage in attempting to codify space cooperation but, in view of the mandate given to the Subcommittee, he would not oppose a declaration describing the general framework of such cooperation. That was precisely the purpose of the proposal submitted by France and Germany. The text seemed to the authors to represent a balanced compromise between the standpoint of donors and that of recipients, between the flexibility that was required in space cooperation and the desire of the majority of delegations to provide some guidance for promoters of such cooperation.

27. He hoped delegations would keep those remarks in mind when considering the working paper.

ORGANIZATION OF WORK

28. **The CHAIRMAN** said that if, by 3 April 1995, no delegation had expressed interest in speaking in the plenary on agenda item 3, concerning nuclear power sources, that item would not be opened for consideration in the plenary during the current session.

The meeting rose at 11.30 a.m.

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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-fourth session

SUMMARY RECORD OF THE 585th MEETING

Held at the Vienna International Centre, Vienna,
on Monday, 3 April 1995, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

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Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries (*continued*)

Question of early review and possible revision of the principles relevant to the use of nuclear power sources in outer space (*continued*)

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The meeting was called to order at 10.30 a.m.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES (*continued*) (A/AC.105/573; A/AC.105/C.2/L.182/Rev.2 and A/AC.105/C.2/L.197; A/49/20)

1. **Mr. KOPAL** (International Law Association) said his organization was one of the oldest of those dealing with international law, having been founded in 1873 to focus on its codification. It operated mainly through committees, one of which was on space law. The Association met every two years at conferences in which the work of its committees was discussed and the results adopted in the form of resolutions. At its conference in 1994, it had adopted a draft international instrument on the protection of the environment from damage caused by space debris. The text of that instrument had been submitted to the Committee on the Peaceful Uses of Outer Space. It represented an attempt to deal with all the legal aspects of space debris.

2. The text defined space debris as man-made objects in outer space other than active or otherwise useful satellites. The instrument was described as being applicable to space debris that caused or was likely to cause direct or indirect, instant or delayed, damage to the environment or to persons or objects. The obligations to cooperate in dealing with space debris and to negotiate on it in good faith were enumerated. Principles of responsibility and liability were laid down and a formula concerning dispute settlement was included. That formula provided that disputes concerning the interpretation or application of the instrument were subject to consultation with a view to a prompt settlement. If the parties to the dispute had not agreed on a means of peaceful settlement within 12 months of the request for consultation, the dispute would be referred to arbitration or adjudication. A draft convention on the settlement of space law disputes already elaborated by the International Law Association would now have to be brought into line with the new draft instrument on protection of the environment from damage caused by space debris.

3. **Mr. HE Qizhi** (China) welcomed the two documents submitted under the item, documents A/AC.105/C.2/L.182/Rev.2 and A/AC/105/C.2/L.197. Those documents represented a significant step forward in the Subcommittee's work, even though they reflected two very different schools of thought. Document A/AC.105/C.2/L.182/Rev.2 incorporated significant changes to take into account the concerns of those who had opposed the earlier version in 1994. His delegation greatly appreciated the constructive contributions made by all the authors of the working papers and was sure that, through patient consultations, gradual progress forward would be made and the final goal ultimately achieved.

4. **Mr. MAZILU** (Romania) said that both working papers before the Subcommittee, A/AC.105/C.2/L.182/Rev.2 and A/AC.105/C.2/L.197, represented a real contribution towards improving the exploration and utilization of outer space in the interests of all States. His delegation fully supported the idea that international cooperation in the exploration and use of outer space for peaceful purposes should be conducted in accordance with international rules and regulations. The needs of both advanced and developing countries had also to be taken into consideration. Romania further agreed that the Committee on the Peaceful Uses of Outer Space should be strengthened in its role as a forum for the exchange of information and for the launching of cooperative projects.

5. Romania shared the view that States should be free to determine all aspects of their cooperation and to choose the most appropriate mode of cooperation with a view to allocating resources efficiently. However,

in order to encourage and enhance international cooperation, clear principles had to be elaborated, principles that must promote and safeguard the interests of all parties concerned. Major financial resources would also be needed for efficient international cooperation in promoting the development of space science, technologies and applications.

6. The two working papers could perhaps be combined, so that a comprehensive legal instrument could be drawn up. His delegation was prepared to contribute actively to the development of all the necessary rules and regulations on the exploration and utilization of outer space. Consideration could also be given to the idea of appealing to institutions not directly involved in the work of the Committee on the Peaceful Uses of Outer Space to exploit the enormous potential of space applications for development goals.

7. **Ms. GONÇALVES** (Portugal) said her delegation favoured the elaboration of a set of principles similar to those worked out in other areas, such as the law of the sea. In the case of outer space that was especially justified, for it had been recognized that outer space should be used for the benefit of all mankind. The need to give meaning to that concept explained the importance of developing a framework for international cooperation with due emphasis on international information exchange, the promotion of national capability, funding and other matters.

8. She would welcome guidance as to whether the two working papers before the Subcommittee should be discussed separately, or whether an attempt should be made to combine them into a third working paper. The two documents diverged greatly in many respects. The working paper submitted by Germany and France (A/AC.105/C.2/L.197) focused on international cooperation, stressed freedom of choice and envisaged the participation of partners other than States. The document submitted by Brazil and other delegations (A/AC.105/C.2/L.182/Rev.2), on the other hand, was a set of principles, focusing on the responsibilities of States with space capability, emphasizing the duty to cooperate and envisaging the involvement in cooperation of States alone. Her delegation was ready to consider both texts with a view to eliminating controversial aspects and emphasizing elements of agreement.

9. **Ms. RIOS** (Indonesia) said that the end of the cold war had changed the international situation, encouraging States to convert the utilization of space technology from military purposes to essential civilian services. Environmental issues, including those raised by space activities, had become a global concern and required international solutions. Her delegation attached the utmost importance to preservation of the outer space environment especially with regard to potential effects on the Earth's environment, and to the utilization of outer space in a peaceful and sustainable way.

10. Indonesia was concerned over existing imbalances in outer space benefits. A large number of developing countries remained without access to the space technology needed for national development. Ways and means should be considered for enhancing international cooperation in the utilization of outer space. Such cooperation, based on the principles of equity and sovereignty, could enable the benefits of space exploration and exploitation to be shared by both developed and developing countries.

11. Indonesia supported the idea of enhancing the role of the United Nations in space cooperation, taking into account the sovereignty of Member States, including their freedom to choose the most appropriate form of cooperation. It accordingly supported the working paper put forward by Brazil with a number of other countries (A/AC.105/C.2/L.182/Rev.2) and took note of the draft declaration submitted by Germany and France (A/AC.105/C.2/L.197). The two proposals could be used as a basis for further deliberation aimed at accommodating the interests of all parties.

QUESTION OF EARLY REVIEW AND POSSIBLE REVISION OF THE PRINCIPLES RELEVANT TO THE USE OF NUCLEAR POWER SOURCES IN OUTER SPACE (*continued*)

12. **The CHAIRMAN** said that, since no delegation had expressed the wish to speak under the agenda item in the plenary, he would, if he heard no objection, take it that the Subcommittee did not wish to open discussion of the item in the plenary during the current session.

13. *It was so decided.*

The meeting rose at 11.05 a.m.

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10 April 1995

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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-fourth session

SUMMARY RECORD OF THE 586th MEETING

Held at the Vienna International Centre, Vienna,
on Tuesday, 4 April 1995, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

CONTENTS

Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries (*continued*)

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES *(continued)* (A/AC.105/573; A/AC.105/C.2/L.182/Rev.2 and L.197; A/49/20)

1. **Mr. McCARTHY** (Australia) said that, since the Subcommittee's thirty-third session, the Australian Space Council had released its first five-year plan for the period 1994-1998, which included strategies to strengthen Australia's position for access to remote sensing data and develop its remote sensing applications and value-added service industries, facilitate the involvement of Australian industry in the delivery of communications services using low Earth-orbiting (LEO) satellites and develop and demonstrate launch service and small satellite manufacturing capabilities.

2. A broad objective of the Council was to promote links with the Asia-Pacific region, and there was strong interest in Australia's space programme being extended into the region. Australia had provided significant support for development projects in the region involving space-related applications, particularly in remote sensing and the use of geographic information systems.

3. Australia would to pursue prospects for regional collaboration in small satellite development through discussions with interested parties in Australia and Asia. The Space Council had sought to interest companies or organizations with a demand for LEO satellite services in participating in a small satellite industry development project, to take advantage of a potentially attractive, high-value niche market. The Council would also pursue bilateral discussions with government agencies likely to be interested in small satellites.

4. In considering Australia's launch opportunities, the Council was undertaking two pre-feasibility studies to assess the potential for a joint venture between Australia and international interests to establish a light launch capability in Australia.

5. The Economic and Social Commission for Asia and the Pacific (ESCAP) Ministerial Conference at Beijing had issued a Declaration calling for the implementation of a programme on space technology applications for environmentally sound sustainable development in the Asia-Pacific region. An action plan had also been endorsed by ESCAP ministers, and an expert group meeting had developed proposals for its implementation. Additional United Nations resources had been provided to ESCAP to support the expanded programme. It was to be hoped that the Committee on the Peaceful Uses of Outer Space, as the coordinator of United Nations space activities, would also be able to help ESCAP to perform the task it had been given by the Beijing Declaration. Australia saw the ESCAP forum as the appropriate multilateral mechanism for its space-related involvement in the region.

6. Based on voluntary cooperation in the pursuit of shared interests with regional partners, the ESCAP programme reflected the type of cooperation in space matters that was envisaged by the joint working paper submitted by Germany and France (A/AC.105/C.2/L.197). Australia supported that paper as a basis for discussion on space benefits; the philosophy that it embodied reflected Australia's practical experience in

space cooperation within the Asia-Pacific region, and Australia believed that that experience had been beneficial to the regional generally.

7. **Ms. ARRIGO** (Italy) said that, since 1990, the Italian Centre for Space Law had promoted and stimulated legal knowledge and studies relating to space activities.

8. Space cooperation and the use of space technology were precious tools to be used in achieving economic and social development, particularly in the developing countries. Italy consequently recommended that discussions on international cooperation in the exploration and utilization of outer space for peaceful purposes should be continued in the Working Group on the Benefits of Outer Space, in view of the need to extend the ensuing benefits to all States.

9. Italy had a long tradition of participation in United Nations cooperation and development programmes and in that context many intergovernmental scientific and technological agreements on space cooperation had been signed or renewed. Inter-agency space cooperation had been encouraged under the Central European Initiative in Science and Technology with a number of Eastern European countries. Italy had recently signed an agreement with Kenya concerning a satellite tracking and launching station. It was also pursuing bilateral cooperation with Argentina in the field of research and utilization of outer space, and was studying ways of increasing and developing cooperation with China on the basis of an intergovernmental agreement on the utilization and exploration of outer space.

10. At the European level, Italy's main contribution to the needs of developing countries had been to the Ad Hoc Working Group on Developing Countries created by member States of the European Space Agency (ESA). It also participated actively in the Centre for Earth Observation (CEO) established in 1992 by the Commission of the European Communities to establish a network for the exchange of satellite and environmental data. In that context, Italy had always underlined the need to consider the needs of developing countries. Within EUMETSAT, Italy supported greater effort in favour of the developing countries, particularly in education and training.

11. Outside Europe, the Italian Space Agency represented the Italian Government on the Committee on Earth Observation Satellites (CEOS), where it was important to strengthen dialogue with all communities to ensure the maximum benefit, in terms of data utilization, from the efforts and resources mobilized in support of Earth-observing space missions.

12. Remote sensing data were important for all countries, and particularly for the developing countries. The Italian Space Agency had collaborated with the National Aeronautics and Space Administration of the United States of America (NASA) and the German Space Agency in the Space Radar Laboratory (SRL) mission, providing the first shuttle imaging radar unit. That system had the capability of collecting data over virtually any region at any time, regardless of weather or sunlight conditions.

13. ESA and the Italian Space Agency had signed an agreement on the use of the Matera Processing and Archiving Facility for the archiving, retrieval, processing and distribution of data from ERS-1 and ERS-2 satellites. ERS data was accessible to all interested users on an open, non-discriminatory basis.

14. International cooperation in space debris studies was particularly important and was being examined by an Italian working group, whose deliberations should contribute to clarifying and developing space law in that field.

15. **Ms. KATO** (Japan) said that the working paper by Germany and France (A/AC.105/C.2/L.197) was an appropriate basis for constructive discussion.

16. International cooperation should be promoted on the initiative of countries concerned, through bilateral or multilateral discussion, and based on the need for exploration and utilization of outer space and the conditions in individual countries. Any interference in the activities of individual countries by efforts to establish general rules should be avoided.

17. In promoting international cooperation, it was important to ensure that all countries involved benefited. Any cooperation which imposed a heavy burden on particular countries would be unacceptable. Japan acknowledged that the Franco-German working paper covered those points.

18. **Mr. CELEDON** (Chile) said that document A/AC.105/C.2/L.182/Rev.2 incorporated constructive ideas put forward at earlier sessions of the Subcommittee, and it was to be hoped that the improved text would enable the Subcommittee to make further progress at the present session. The working paper (A/AC.105/C.2/L.197) introduced by France and Germany, countries which had earlier been critical of document A/AC.105/C.2/L.182/Rev.1, also represented progress. The differences between delegations could be studied in the Working Group on the Benefits of Outer Space and the Chilean delegation was confident that a consensus would be reached.

19. Cooperation in outer space was becoming increasingly important, since technical advances could only be achieved on a cooperative basis. As the competent body, the Subcommittee should make every effort to give such international cooperation a legal framework.

20. Bilateral cooperation between States in outer space matters was already a reality, but the establishment of principles governing international cooperation would improve such cooperation, in line with the requirements of article 1 of the Outer Space Treaty.

21. **Mr. BARSEGOV** (Russian Federation) said that the 1967 Outer Space Treaty had set a lofty goal: to develop cooperation in space taking into account the needs and interests of all countries. The scope of peaceful interaction in space must now be expanded, and the discussions within the Subcommittee were an excellent opportunity for conceptualizing future prospects for such interaction. The discussion must become more focused, yet at the same time cover a broad spectrum of topics. Tendentious language should be avoided, and the debate kept as down-to-earth and business-like as possible.

22. Leaving moralizing aside, the real reasons for lack of progress were economic and financial. He urged delegations not to formulate new precepts and principles for space activity that were not in conformity with reality. No useful purpose would be served by the dispersal of space capital that had been laboriously accumulated.

23. One of the cornerstones of joint space activity was the development of real interaction. In that connection it was strange that the sponsors of the draft principles (see document A/AC.105/C.2/L.182/Rev.2) included countries that had not yet joined Russia as partners in space, although sound draft agreements had been ready for implementation for several years.

24. In 1994, his delegation had urged that developing countries with space capabilities should indicate their ideas for sharing their potential with others (see document A/AC.105/C.2/SR.576, para. 53). Such a pragmatic approach would bring out the need to replace the idea of vertical redistribution by that of the horizontal unification of the efforts of all States, including the developing countries, which would thereby acquire a capacity for space activity.

25. Analogies were always risky, and that was true of references to the law of the sea. It would be counter-productive to try to use the notion of a common heritage of mankind as a universal model for solving all problems. In any event, even in the case of the seabed and its resources, the model had to be adapted little by little to objective conditions.

26. The formation of a comprehensive approach to the exploration and utilization of outer space was clearly indissociable from the identification of new fields for international interaction and the achievement of long-term solutions to a number of major problems in space conquest, in line with the interests of various States and groups of States. Yet the proposals for a world space organization or an international centre for joint research and development of prototypes at the request of developing countries had met with indifference on the part of the very countries that one might have expected to be interested in their successful implementation.

27. Cooperation in outer space was affected by the situation resulting from space competition. Slow but steady progress was being made towards establishing equitable relations of partnership, but serious efforts to ensure equality of rights were still needed.

28. The working paper submitted by France and Germany (A/AC.105/C.2/L.197) was a good starting point for more in-depth analysis.

29. **Mr. SCHALLY** (Austria) said that his delegation considered that it would be unwise for the time being to create a rigid, legally binding regulatory framework for cooperation on space activities. What was needed rather was a set of general, non-binding guidelines to give the international community an idea of how such activities might be carried out, without prejudice to any different modes of interaction between nations active in space and States that might benefit from such cooperation in the future.

30. His delegation welcomed the Franco-German paper (A/AC.105/C.2/L.197), which adequately reflected that idea. The Subcommittee should now study that document as well as document A/AC.105/C.2/L.182/Rev.2 to see what progress could be made towards a consensus.

31. **Mr. ROMERO** (Cuba) said that his delegation supported the working paper submitted by Brazil and other delegations (A/AC.105/C.2/L.182/Rev.2) as it stood, and considered that it could serve as a useful basis for the Subcommittee's discussions on the item. A legal framework was needed that would guarantee access

for all countries, in particular the developing countries, to all the benefits deriving from the exploration and utilization of outer space.

32. Moreover specific measures had to be taken to safeguard the rights of countries with little or no space capability to participate fully in the exploration and utilization of outer space when they had the resources to do so. That objective could be achieved by means of international cooperation.

33. **Mr. VIVOD** (International Astronautical Federation) said he wished to draw attention to the tacit ratification procedure which could be applied when amendments were required to space conventions in order to avoid lengthy review. Such a procedure was already applied in a number of terrestrial conventions including the 1965 Convention on Facilitation of International Maritime Traffic, the 1975 Customs Convention on the International Transport of Goods under Cover of TIR Carnets and the 1972 Customs Convention on Containers.

34. The draft convention on damage caused by space debris contained an annex dealing with amendments to that convention.

The meeting rose at 11.15 a.m.

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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-fourth session

SUMMARY RECORD OF THE 587th MEETING

Held at the Vienna International Centre, Vienna,
on Wednesday, 5 April 1995, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

CONTENTS

Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries (*continued*)

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The meeting was called to order at 10.35 a.m.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES (*continued*) (A/AC.105/573; A/AC.105/C.2/L.182/Rev.2 and A/AC.105/C.2/L.197; A/49/20)

1. **Mr. NILI** (Islamic Republic of Iran) said that outer space as a global resource must remain accessible to all countries, and developing countries must be able to take advantage of space technology, mainly for production, planning and environmental purposes. In his delegation's view, outer space, as a common heritage of mankind, should be explored and utilized exclusively for peaceful purposes, and the benefits from space programmes should be shared by a greater number of countries, especially developing countries.

2. His delegation shared the view expressed by other delegations that the peaceful uses of outer space would contribute significantly towards advancing the social development and welfare of all mankind. The use of outer space for peaceful purposes and the development of space technology must proceed through improved scientific and technical cooperation between developed and developing countries. His delegation attached great importance to regional and international cooperation in the field of space sciences.

3. **Mr. MACLURE** (United States of America) expressed his delegation's appreciation of the efforts made by the sponsors of working paper A/AC.105/C.2/L.182/Rev.2 to clarify their proposals, and its belief that the exchange on the working paper in the Working Group on the Benefits of Outer Space had been productive. He also welcomed the addition of working paper A/AC.105/C.2/L.197 submitted by the delegations of France and Germany to the debate; his delegation believed that that document represented a positive counterpoint and beneficial contribution to the Subcommittee's discussions, and that the concepts set out in it reflected the best interests of and the opportunities available to all countries wishing to cooperate in the peaceful use of outer space.

4. He suggested that two questions should be considered by all members of the Subcommittee and the Working Group: the question as to the need for a new framework for international cooperation and the question as to the direction in which the Subcommittee and the Working Group were headed on the agenda item under discussion.

5. His delegation questioned the need for the Subcommittee to elaborate a new framework for international cooperation in the peaceful uses of outer space in view of the existence of the 1963 Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space and the 1967 Outer Space Treaty, and the fact that bilateral and multilateral technology transfer and cooperation already existed among Member States.

6. Secondly, his delegation regarded the agenda item as a point of departure for the exchange of ideas and information on legal aspects of the subject covered by the item, and would not have contemplated the Subcommittee embarking on the negotiation of new instruments incorporating policy and programmatic aspects. It believed that the Subcommittee would benefit from a clear understanding of the proposed goals and applications of the working papers before it.

7. **Mr. EL GHERNOUGUI** (Morocco) said that, while he agreed in principle with many of the ideas contained in working papers A/AC.105/C.2/L.182/Rev.2 and A/AC.105/C.2/L.197, he doubted whether they needed to be discussed separately since they both concerned international cooperation and were aimed at improving it. He wondered whether a small working group should not be set up to study both papers with a view to producing a single document, perhaps at the next session of the Subcommittee.

8. **Mr. WILKE** (Netherlands) said that the Subcommittee, instead of approaching the item on the basis of separate working papers, should concentrate on the principal benefits of outer space activity themselves, namely exploration and exploitation. With regard to the first, his country was in a position similar to that of many of the sponsors of document A/AC.105/C.2/L.182/Rev.2, in that it had no space industry of its own and relied on friendly countries to give its citizens access to knowledge in the fields of space sciences and technology. It welcomed the readiness of the United States of America and other countries with space industries to open their doors to Netherlands students. At present those countries were making a gift of their knowledge; the imposition of a legal framework on that kind of action might prove counter-productive by discouraging them from being so generous.

9. As far as the exploitation of space was concerned, the situation had changed dramatically. Activities such as remote sensing and weather forecasting were entirely the domain of private enterprise, even if subject to a degree of control by national Governments. In view of the steady increase in space-based services offered by commercial companies, it would be interesting to see what common ground existed among Governments about a means of acquainting developing countries with the services and technologies available to them, and about economic assistance for their acquisition. He felt sure that the money could be found to help them acquire space-based services which they needed for their development. He did not see either of those elements present in the two working papers. The best way forward might be for them to be discussed in the Committee itself as matters of principle. His delegation would nevertheless cooperate with others in attempting to elaborate a single document on space benefits in the Subcommittee if the need for one was generally accepted.

10. **Mr. BENTANCOUR** (Uruguay) associated his delegation with the statement made by the representative of Brazil in introducing the working paper contained in document A/AC.105/C.2/L.182/Rev.2, which, as was evident from its structure, sought to reconcile the divergent views on the subject. He also endorsed the view expressed by the Moroccan representative that an attempt should be made to agree on a single document. The submission of the working paper contained in document A/AC.105/C.2/L.197 was evidence that the international community was aware of the need to regulate the question. It was unimportant whether the eventual document took the form of a declaration or a set of principles. His delegation believed that a common understanding on the matter of space benefits was not far off. In any event, some form of regulation or enunciation of the principles which all countries should follow would be better than none at all.

11. **Mr. MULDER** (South Africa) said that sufficient common criteria existed between the two working papers to offer prospects of progress. The fact that the issue of space benefits had been discussed ever since 1989, and that France and Germany had responded to working paper A/AC.105/C.2/L.182/Rev.2 with a contribution of their own, testified to the Subcommittee's willingness to reach some form of agreement. Delegations should concentrate on what the working papers had in common and develop a new document on that basis. He endorsed the statements made by the representatives of Morocco and Uruguay.

12. **Mr. VIVOD** (International Astronautical Federation) said that delegations had spoken of assistance to developing countries, but no one had mentioned the need to help those individuals in countries world-wide who were endeavouring to secure greater recognition of the progressive achievements of space law and technology. Something should be done to help them in any way possible - material, moral or technical - so as to encourage the more widespread appreciation and study of space benefits.

The meeting rose at 11.15 a.m.